

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-14011  
Issue Nos.: 1000, 3000  
Case No.: [REDACTED]  
Hearing Date: February 9, 2011  
DHS County: Wayne (82-55)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on February 9, 2011. Claimant appeared and testified. [REDACTED], and [REDACTED] [REDACTED], appeared and testified for the Department of Human Services (DHS).

**ISSUE**

Whether DHS properly terminated Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits on December 1, 2010?

**FINDINGS OF FACT**

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. In 2010, DHS paid FIP and FAP benefits to Claimant.
2. On or about October 15, 2010, Claimant moved from [REDACTED] to [REDACTED].
3. After October 15, 2010, but before November 1, 2010, Claimant signed and submitted a Change of Address form to DHS.
4. DHS failed to process the Change form in a timely fashion.
5. On November 15, 2010, DHS terminated Claimant's FIP and FAP benefits.

6. On December 13, 2010, Claimant filed a Request for Hearing with DHS.
7. On December 14, 2010, Claimant filed an application for FIP and FAP benefits with DHS.
8. On December 14, 2010, DHS denied Claimant's application for FIP benefits and awarded Claimant prorated FAP benefits.
9. On December 16, 2010, Claimant filed a second Request for Hearing with DHS.
10. At the hearing on February 9, 2011, both of Claimant's hearing requests were presented and considered.
11. At the hearing, DHS agreed to reinstate Claimant's FIP and FAP benefits at their former 2010 levels beginning December 1, 2010. DHS further stated that after reinstating her benefits at the previous 2010 levels, DHS would conduct the required Redetermination application process and adjust Claimant's benefits in accordance with Claimant's current income, expenses and medical circumstances.
12. At the hearing Claimant, based on DHS' testimony, stated she no longer wished to proceed with the hearing.

### **CONCLUSIONS OF LAW**

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* DHS administers the FIP program pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables (RFT). These manuals are available online at [www.michigan.gov/dhs-manuals](http://www.michigan.gov/dhs-manuals).

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers the FAP program pursuant to MCL 400.10, *et seq.*, and MACR 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts

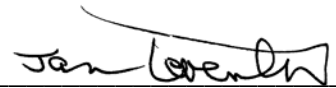
to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

Prior to the close of the hearing, DHS agreed that DHS error occurred and should be corrected. At the hearing, DHS agreed to do so. At this point in the hearing, the Claimant stated she no longer wished to continue the hearing process and would accept DHS' decision to reopen and reinstate her case. Claimant testified further that she understood and agreed that after DHS reopens her case, she may be required to present current information as a part of DHS' standard Redetermination updating process.

As the parties have agreed to resolve their differences, it is not necessary for the Administrative Law Judge to decide the matter in dispute. Based on the stipulated agreement of the parties in this case and the above findings of fact and conclusions of law, IT IS HEREBY ORDERED that DHS shall reopen and reinstate Claimant's 2010 FIP and FAP benefits effective December 1, 2010, and that DHS may conduct its standard Redetermination updating process in accordance with DHS policies and procedures.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, hereby decides that the parties to this action have entered into a settlement agreement whereby DHS will reopen and reinstate Claimant's 2010 FIP and FAP benefits. I hereby adopt the stipulated settlement agreement of the parties as my order in this case. IT IS ORDERED that DHS shall reinstate and reopen Claimant's 2010 FIP and FAP benefits effective December 1, 2010, in accordance with DHS policies and procedures.



Jan Leventer  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 10, 2011

Date Mailed: February 14, 2011

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this

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Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JL/pf

cc:

